

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :

– *against* – :

JUAN FRANCISCO RIVERA :

Defendants. :

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07 Cr. 991 (DLC)

(filed electronically)

SENTENCING MEMORANDUM ON BEHALF OF THE  
DEFENDANT JUAN FRANCISCO RIVERA

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December 6, 2007

**HAND DELIVERED**

The Honorable Denise Cote  
United States District Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street, Room 1040  
New York, New York 10007

Re: United States v. Juan Francisco Rivera,  
07 Cr. 991 (DLC)

Dear Judge Cote:

This letter is submitted on behalf of Mr. Juan Francisco Rivera, whom counsel represents in the above-captioned matter, with respect to his sentencing scheduled for December 7, 2007, at 10:00 a.m. Mr. Rivera does not object to the time served sentencing recommendation of the Pre-Sentence Report ("PSR") or the United States Sentencing Guidelines calculation contained therein, which fully comports with the plea agreement between Mr. Rivera and the government.

Mr. Rivera wishes to identify the following errors contained in the PSR:

At ¶36 and on page 11, the PSR notes that following Mr. Rivera's immigration detainer in 2004, he was issued a Notice to Appear, but failed to do so and that he resided in New York since that time. Actually, Mr. Rivera voluntarily departed the United States following his detainment in 2004 and subsequently returned to the United States in 2006. The government is aware of this fact as it had been discussed during plea negotiations.

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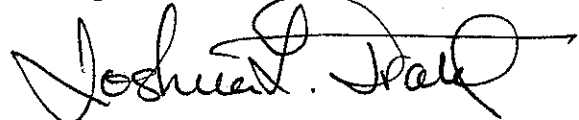
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At ¶ 34, the PSR identifies Mr. Rivera's mother as "Milaeritos." The correct spelling of her name is Milagritos.

Finally, at ¶ 37, Mr. Rivera was in a consensual relationship with Angela Sanchez and not "Angel Sanchez" as identified in the PSR.

For the foregoing reasons, it is respectfully requested that the Court sentence Mr. Rivera to time served.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joshua L. Dratel", with a stylized flourish extending from the end.

Joshua L. Dratel, Esq.

JLD/ebl

cc: Joseph P. Facciponti  
Assistant United States Attorney  
(by facsimile [212] 637-2390)